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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/730,525 Confirmation No. 4271
Applicant : Agapios Agapiou, et al.
Filed : December 8, 2003
TC/A.U. : 1755
Examiner : James W. Pasterczyk
Docket No. : 2003U049.US
Customer No. : 25959
Date : February 15, 2006

Commissioner for Patents
Mail Stop RCE
P. O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR § 1.132

Sir:

I, Agapios K. Agapiou, declare as follows:

I am a co-inventor of the description and all the claimed subject matter in the above referenced patent application.

A previous Declaration dated December 9, 2005, contained data intended to show that average particle size (APS) of silica support had a positive effect on catalyst activity and such a showing was unexpected. The data did indeed show these positive effects. In a subsequent action, the Examiner stated that because the data was derived from di-chloride based catalysts, rather than the di-fluoride of the claims, that the data did not place the claims in condition for allowance.

Being a person of skill in the relevant metallocene catalyst arts, in my judgment, the data was used to indicate the surprising and unexpected fact that size of a catalyst support had a positive effect on catalyst activity. The data, in my judgment does exactly

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that. Note: the increase in activity (from 3630 to 4680) between a 50 μ APS silica and a 25 μ APS silica of 29% is clearly unexpected. Furthermore, those of skill know that while chlorine and fluorine are different elements, they are both halogens and can be expected to behave in similar ways, at least in relation to such a variable as discussed herein, catalyst support size. Therefore, the data previously presented are relevant to the present claims, in that the trend of increased catalyst activity, will, in my judgment, as a skilled catalyst chemist, apply to both di-chloride and di-fluoride moieties. In fact, as a result of this finding, the catalyst of the invention was developed on the smaller average particle size silica using the di-fluoro-metallocene. This catalyst exhibited the additive benefit on activity characteristics from both the smaller silica and the metallocene formulation changes.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 or Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or an patent issuing there from.

Respectfully submitted,

February 15, 2006
Date

Agapios K. Agapiou
Agapios K. Agapiou